

ter 78 of the General Laws of the Thirtieth Legislature, said laws being an amendment of the General Laws first enacted by the Twenty-fifth Legislature in Chapter 153 and amended by each subsequent Legislature except the Twenty-eighth, and reading as follows:

"Chapter 153, Section 2. If any person shall at any time during the year take, catch, ensnare or entrap any fish except minnows for bait by means of nets, or in any other manner than with the ordinary hook and line, or trot line, except as specified in Section 1 of this chapter, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25 nor more than \$100."

Numerously signed.

By Senator Cofer:

To Senator Robert E. Cofer:

We, the undersigned citizens of Cooke county, hereby express hearty approval of the Robertson anti-gambling bill, now pending before the Legislature, and request you to give it your earnest support.

Numerously signed.

By Senator Sturgeon:

Delba, Texas, March 3, 1909.

To our Representative, Hon. T. J. Self, and to our Senator, Hon. B. B. Sturgeon.

Whereas, A strong effort is being made to repeal the anti-bucketshop law, enacted by the last Legislature; and

Whereas, A strong effort is being made to pass a law giving no one authority to weigh cotton and other products except they be public weighers, we, the undersigned members of the Farmers' Educational and Co-operative Union of America Local No. 2756, and your constituency, the farmers, citizens and voters of this district, knowing these bills, if passed, will be detrimental to the farmer and laboring class, do hereby petition and earnestly request that you, as our representatives, vote and use your influence against the passage of House bill No. 420 and Senate bill No. 253.

Numerously signed.

By Senator Kellie:

Beaumont, Texas, February 10, 1909.

To the Hon. E. I. Kellie, Senator, Austin, Texas.

Sir: We, the undersigned members of the Beaumont Bar, favor the passage of a stenographer's law requiring that transcripts from the lower courts for

appeal to the upper courts be prepared in question and answer form instead of the narrated form, and that the test for requirements of official reporters shall be raised from 120 words per minute for five consecutive minutes, to 150 words per minute for five consecutive minutes.

Numerously signed.

By Senator Adams:

Senator W. N. Adams, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Hayter:

Bowie, Texas, March 2, 1909.

To Senator J. P. Hayter:

We, the members of Selma Local No. 1196 of F. E. C. of A., hereby petition you to use your offices and influence to defeat Senate bill No. 253, pertaining to the repeal of the anti-bucketshop law, regarding it as very detrimental to our interests. Also the bill pertaining to the public weighers. We prefer to let that remain as it is (the law) deeming it detrimental to our welfare if the bill proposed becomes a law.

Numerously signed.

THIRTY-NINTH DAY.

Senate Chamber,
Austin, Texas,

Friday, March 5, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Pæler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent—Excused.

Willacy.

Prayer by Mr. Hamilton.

Pending the reading of the Journal of yesterday, on motion of Senator Hayter, the same was dispensed with.

BILLS AND RESOLUTIONS.

There being no bills and resolutions, the Chair declared the morning call concluded.

HOUSE BILL NO. 90.

Senate bill No. 218 being pending business,

On motion of Senator Brachfield, the pending order of business (Senate bill No. 218) was suspended, and the Senate took up, out of its order, House bill No. 90 by the following vote:

Yeas—30.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent—Excused.

Willacy.

The Chair laid before the Senate, on third reading,

House bill No. 90, A bill to be entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit the leasing of premises for pool rooms, and to provide a penalty for its violation, and to repeal the Act approved May 2, 1905, and published and known as Chapter 165 of the laws of the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to amend Sections 1, 2 and 3 and adding thereto Sections 4 and 5, of Chapter 50, of the General Laws of Texas passed at the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to prohibit the buying and selling of pools or receiv-

ing or making bets on horse racing; to prohibit leasing premises for pool rooms and to provide a penalty for its violation; prohibiting horse racing and betting on horse racing on Sunday, and providing that a conviction may be had upon the unsupported evidence of an accomplice or participant, and exempting such witness from prosecution.'"

The bill was read third time, and passed by the following vote:

Yeas—19.

Alexander.	Meachum.
Brachfield.	Perkins.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Kellie.	Ward.
Mayfield.	

Nays—11.

Adams.	Peeler.
Hudspeth.	Real.
Hume.	Senter.
Masterson.	Watson.
Murray.	Weinert.
Paulus.	

Absent—Excused.

Willacy.

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

COMMITTEE REPORT.

Senator Weinert offered the following privileged committee report:

(Majority Report.)

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

House Concurrent Resolution No. 4, being a resolution that the Regular Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, March 13, 1909,

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WEINERT, Acting Chairman.

Austin, Texas, March 5, 1909.
Hon. A. B. Davidson, President of the Senate.

(Minority Report.)

Sir: We, a minority of your Committee on Finance, to whom was referred House Concurrent Resolution No. 4, being a resolution that the Regular Session of the Thirty-first Legislature shall stand adjourned sine die at 12 o'clock noon, Saturday, March 13, 1909, beg leave to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Strike out "March 13," line 5, page 1, and insert in lieu thereof "March 27."

HARPER,
BRACHFIELD,
HOLSEY,
TERRELL of Bowie.

Senator Brachfield here moved to reconsider the vote by which certain bills were recommitted on yesterday, but the motion was ruled out on a point of order.

REFUSE TO ADJOURN.

Senator Holsey moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion was lost by the following vote:

Yeas—13.

Alexander.	Holsey.
Brachfield.	Mayfield.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Greer.	Veale.
Harper.	Ward.
Hayter.	

Nays—17.

Adams.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Meachum.	Thomas.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Willacy.

MOTION TO RECONSIDER VOTE
AND SPREAD ON JOURNAL.

Senator Meachum moved that the vote by which House Joint Resolution No. 6 was recommitted be reconsidered.

On the above motion, Senator Wat-

son moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion was seconded.

The roll was called, the following Senators answering to their names:

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Harper.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent—Excused.

Willacy.

Senator Brachfield moved to excuse the absentees, which motion was lost by the following vote:

Yeas—11.

Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Terrell of Bowie.
Cofer.	Terrell of McLennan.
Greer.	Veale.
Harper.	

Nays—19.

Adams.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Mayfield.	Thomas.
Meachum.	Ward.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Willacy.

Senator Terrell of Bowie made the point of order that the roll call showed a quorum present.

The Chair overruled the point of order, holding that the call of the Senate was for securing and maintaining a quorum.

Senator Watson moved that the pending order of business (Senate bill No. 218) be suspended, and the Senate take up, out of its order, Senate Joint Resolution No. 6.

On the above motion, Senator Meachum moved a call of the Senate.

The roll was called, the following Senators answering to their names:

Adams.	Peeler.
Bryan.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Meachum.	Thomas.
Murray.	Watson.
Paulus.	Weinert.

Absent.

Alexander.	Holsey.
Brachfield.	Mayfield.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Harper.	Veale.
Hayter.	Ward.

Absent—Excused.

Willacy.

There being Senators in the Chamber who did not answer to their names, the Chair directed the Sergeant-at-Arms to secure the names of those present and not answering.

The following Senators were so present:

Alexander, Brachfield, Cofer, Greer, Harper, Hayter, Holsey, Mayfield, Terrell of Bowie, Terrell of McLennan, Veale, Ward.

The Chair directed the above Senators be marked present.

EXCUSED.

Here, on motion of Senator Peeler, Senator Greer was excused for tonight and balance of next week, on account of important business.

Senator Alexander here made a point of order on the call of the Senate, holding that a quorum was present and the call should be dissolved.

ADJOURNMENT.

Senator Watson here moved that the Senate adjourn until 12:05 o'clock Saturday morning.

Senator Alexander moved, as a substitute, that the Senate adjourn until 10 o'clock tomorrow morning.

Action being on the longest time first, the motion to adjourn until 10 o'clock tomorrow morning was lost by the following vote:

Yeas—12.

Alexander.	Cofer.
Brachfield.	Harper.
Bryan.	Hayter.

Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Terrell of Bowie.	Ward.

Nays—17.

Adams.	Perkins.
Hudspeth.	Real.
Hume.	Senter.
Kellie.	Stokes.
Masterson.	Sturgeon.
Meachum.	Thomas.
Murray.	Watson.
Paulus.	Weinert.
Peeler.	

Absent—Excused.

Willacy.	Greer.
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Senator Watson withdrew his former motion, and moved that the Senate adjourn until 12:12 o'clock tomorrow morning, which motion was adopted.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 27, A bill to be entitled "An Act to regulate the presentation and collection of claims for personal services, or for labor rendered, or for material furnished or for overcharges in freight or express, or for damage to freight, or for stock killed or injured by any person or corporation against any person or corporation doing business in this State, and providing a reasonable amount of attorney's fees to be recovered, in cases where the amount of such claim shall not exceed \$200, and declaring an emergency,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

Meachum, Paulus, Peeler, Hume, Cofer, Ward, Senter, Veale, Masterson, Thomas, Brachfield, Stokes.

(Floor Report.)

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Towns and City Corporations, to whom was referred

House bill No. 560, A bill to be entitled "An Act to incorporate the city of Gainesville, Texas, and to fix the boundaries thereof, and grant it a special charter, and to define its powers and provide for the government and the management of its affairs, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Cofer, Terrell of McLennan, Alexander, Hume, Sturgeon, Holsey, Real, Peeler.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 274, A bill to be entitled "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining his powers and duties; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 252, A bill to be entitled "An Act to grant unto the United States of America a section of land in El Paso county, Texas, and to validate the patent issued thereon, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 6, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 260, A bill to be entitled "An Act to amend Sections 2, 12, 13 and 15 of an act creating the Lubbock Inde-

pendent School District, and declaring an emergency,"

And find the same correctly engrossed.
WARD, Chairman.

Committee Room,
Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 192, "An Act to amend Sections 1 and 5, Chapter 6 of the Special Laws enacted by the Thirtieth Legislature, entitled 'An Act incorporating the Baird Independent School District, in Callahan county, Texas, for free school purposes only; defining its boundaries and providing for a board of trustees; divesting the city of Baird of the control of its public schools and title to school property and vesting the same in said Baird Independent School District and its board of trustees; prescribing the rights, powers and privileges and duties of said Baird Independent School District and its board of trustees, and repealing all laws in conflict herewith, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 7, Granting leave of absence to the judge of the Fortieth Judicial District.

And find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 210, "An Act creating the Pate Independent School District in McLennan county, defining its boundaries, providing for a board of trustees

thereof, and defining their powers and authority, and declaring an emergency."

And find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 196, "An Act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

And find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 143, and find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to prohibit any person from unlawfully using or wearing the badge, label or button or other emblem of the United Confederate Veterans, United Sons of Confederate Veterans, United Daughters of the Confederacy, Grand Army of the Republic, Women's Relief Corps, the Benevolent and Protective Order of Elks of the United States of America, the Ancient Free and Accepted Masons, the Independent Order of Odd Fellows, Knights of Pythias, Woodmen of the World, or any labor organization, or any order, society or organization in this State, and fixing penalties for the violation of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person who shall wilfully and without due authority use or wear the badge, label or button or other emblem of the United Confederate Veterans, United Sons of Confederate Veterans, United Daughters of the Confederacy, Grand Army of the Republic, Women's Relief Corps, the Benevolent and Protective Order of Elks of the United States of America, the Ancient Free and Accepted Masons, the Independent Order of Odd Fellows, the Knights of Pythias, the Woodmen of the World, any labor organization or any order, society or organization in the State of Texas, or who shall use or wear the same to obtain aid or assistance or patronage thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of the United Confederate Veterans, United Sons of Confederate Veterans, United Daughters of the Confederacy, Grand Army of the Republic, Women's Relief Corps, the Benevolent and Protective Order of Elks of the United States of America, the Ancient Free and Accepted Masons, the Independent Order of Odd Fellows, the Knights of Pythias, the Woodmen of the World, any labor organization or any order, society or organization in the State of Texas, whose badge, label or button or other emblem was so used or worn, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$50 or imprisonment for a term not exceeding sixty days, or both, at the discretion of the court or jury trying the case.

Sec. 2. That any act or acts in conflict with the above are hereby repealed.

Sec. 3. The fact that there is no law prohibiting the improper use of the badges and emblems of the orders and organizations referred to in this act creates an emergency and imperative public necessity that this act be passed under suspension of the constitutional rule requiring bills to be read on three several days, and the rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 129, and find it correctly enrolled, and have this day,

at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1900, and which have failed, or are about to fail, to construct their roads and branches, or any part thereof, within the time prescribed by law, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any railway company holding a charter filed in the office of the Secretary of State of this State since the first day of January, 1900, or which by amendment to its articles of incorporation filed with the Secretary of State for this State since the first day of January, 1900, has provided for the construction of one or more branch lines, and which has since the first day of January, 1906, constructed and put in operation fifty miles of railroad in this State, or thirty miles of railroad in the State of Louisiana, or which since the first day of January, 1906, shall have expended not less than \$20,000 for right of way or terminal facilities within or immediately adjacent to any city in this State with a population of not less than 40,000, as shown by the last Federal census; also any railway company which had been incorporated by articles of incorporation filed in the office of the Secretary of State of this State since the first day of January, 1900, and which has since the first day of January, 1902, constructed and put in operation not less than nine miles of railroad within this State, and the length of whose line authorized by its charter does not exceed fifty miles, or which has since January 1, 1906, graded not less than fifty miles of roadbed on its line in this State, or which has, in good faith, acquired since January 1, 1907, its right of way for the entire length of its lines, and the length of whose line authorized by its charter does not exceed forty miles, or any railroad company which since the first day of January, 1901, and during the first year of its incorporation did construct and put in operation not less than twenty miles of railroad in this State, shall have two years from the date this act takes effect in which to comply, as to its main line or its branch or branches projected

by such articles of incorporation or amendments, with the provisions of Articles 4366, 4558 and 4559 of the Revised Civil Statutes of the State of Texas and each such railway company which shall have forfeited its right to construct, or its corporate existence, as to any part of its said main line, or is about to do so, or any of its said branches, or any part thereof, shall have, and such corporate existence and right to construct same is hereby restored and preserved to it, and it shall enjoy all of its corporate franchises, property rights and powers held or required by it previous to any cause of forfeiture on account of such failure; provided, that no such railway company shall claim or exercise any right of franchise not allowed, granted or permitted to other railway corporations under the laws now in force in this State, and every such railway company shall comply with the laws now in force in this State pertaining to railway corporations.

Sec. 2. The fact that no good can result to the State from the forfeiture provided against in this act, and that public interest will be promoted by the relief herein provided, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 15, and find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act to amend Article 994a, Chapter 12, Title 27 of the Revised Civil Statutes of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 994a of the Revised Civil Statutes of the State of Texas be and the same is hereby amended so as to hereafter read as follows:

"Article 994a. It shall be the duty of the Supreme Court to equalize as nearly as practicable the amount of business upon the dockets of the differ-

ent Courts of Civil Appeals by directing the transfer of cases from such of said courts as may have the greater amount of business upon their dockets, to those having a less amount of business upon their dockets such transfer to be made as soon as practicable after the passage of this article, and thereafter at least once a year in such manner and under such rules and regulations as the Supreme Court shall provide. And said Courts of Civil Appeals to which such cases shall be transferred shall have jurisdiction of all such cases transferred without regard to the districts in which cases were originally tried and returnable on appeal; provided, that cases transferred from any Court of Civil Appeals shall be taken from cases appealed from the counties nearest to the place where the court to which the cases are transferred is held."

Sec. 2. The fact that great inconvenience is caused to the legal profession under the rule, as it now exists, for the transfer of cases from one Court of Civil Appeals to another, constitutes an emergency and an imperative public necessity that the constitutional rule be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 121, and find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full: An Act to amend Article 1647, Chapter 13, Title 33 of the Revised Civil Statutes of Texas of 1895, so as to allow a judgment in the justice's court to be rendered against a non-resident upon a notice to serve a non-resident, and so that said article may hereafter read as follows, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1647. No judgment other than judgment by confession shall be rendered by the justice of the peace against any party who has not entered an appearance or accepted service unless such party has been

cited either personally or by publication or been served by the notice to serve a non-resident provided for in Article 1230 of these statutes, which said Article 1230 is now made applicable to the justice's courts.

Sec. 2. The fact that the present statute does not permit a judgment in the justice court to be rendered upon a statutory notice to serve a non-resident, confusion resulting from this creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this bill be voted upon at the third and final passage, and it is so enacted.

Committee Room,

Austin, Texas, March 5, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 110, and find it correctly enrolled, and have this day, at 4:50 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

An Act making it a criminal offense punishable by fine for any person in this State to use any vulgar, profane, obscene or indecent language over or through any telephone, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall use any vulgar, profane, obscene or indecent language over or through any telephone in this State, he (or she) shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than \$5 nor more than \$100.

Sec. 2. The absence of any law of this State directly applicable to the offense defined herein, and the prevalence of such conduct as is here denounced as an offense, creates an emergency and an imperative public necessity, demanding the suspension of the constitutional rule, requiring bills to be read on three several days in each house, and the rule is here suspended, and that this act take effect and be in force from and after its passage, and the same is so enacted.